



Appeal Decision

Site Visit made on 17 November 2020

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2020

Appeal Ref: APP/N5090/W/20/3246389

58 Sturgess Avenue, Hendon, London NW4 3TS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr N and D Moslawy and Levi against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/5426/FUL, dated 7 October 2019, was refused by notice dated 10 December 2019.
 - The development proposed is change of use to a House in Multiple Occupation for no more than six people.
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Decision

1. The appeal is allowed and planning permission is granted for change of use to a House in Multiple Occupation for no more than six people at 58 Sturgess Avenue, London, NW4 3TS in accordance with the terms of the application, Ref: 19/5426/FUL, dated 7 October 2019, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: M/01/Rev 01 Location Plan; M/02 Existing Floor Plans; M/03/Rev B Proposed Floor Plans; M/04 Existing & Proposed Front and Side Elevations; M/05 Existing & Proposed Rear and Side Elevations.
 - 2) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 3) The development shall be implemented in accordance with the approved layout and proposed occupancy of a maximum number of six persons, and maintained as such thereafter.
 - 4) Prior to occupation of the development hereby permitted, cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and retained thereafter.

Preliminary Matters

2. Since the Council's decision the appellant has submitted two revisions of amended floor plan drawings with the appeal, the latest of which is revision B. Compared to the application floor plans drawing, this reconfigures part of the proposed ground floor and second floor rooms and kitchen space. I have had regard to the Council's comments on floor plans drawing Revision A, and by comparison Revision B restores some of the ground floor dining space. No third party objections to the planning application were received to the original proposal. Furthermore, the revisions do not change the external footprint or

fenestration of the building, or the proposed number of units. As such, the floor plans layout Revision B is sufficiently unchanged, compared to the previous versions, that no interests would be prejudiced by my consideration of the floor plans of the proposal to be as illustrated in revised drawing M/03/Rev B.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the housing mix and character of the area
 - the living conditions of neighbouring occupiers, with particular regard to congestion, noise and disturbance, and
 - the living conditions of future occupiers, with particular regard to internal living space and access to outdoor amenity space.

Reasons

Housing mix and character of the area

4. The appeal site comprises a two-storey semi-detached house and its garden areas. The property is located in a mainly residential area which is characterised by two-storey pairs of semi-detached dwellings. It is one of a cluster of semi-detached dwellings set around three sides of an approximately square-shaped space that contains permit-parking spaces. The site is a short walk from Brent Cross Shopping Centre.
5. Policies DM08 and DM09 of Barnet's Development Management Policies (DMP) together seek a diverse housing mix, informed by robust local housing needs evidence. While Policy DM08 of the DMP prioritises three and four bedroom homes in the borough, it seeks a variety of sizes of new homes to meet housing need and does not automatically preclude other sizes. Policy DM09 of the DMP sets out criteria under which new Houses in Multiple Occupation (HMOs) would be encouraged. These criteria comprise meeting an identified need, avoiding harm to the character and amenities of the area, accessibility to transport alternatives to the private car, and meeting relevant HMO housing standards. Policy DM09 of the DMP does not explicitly state the type of HMO need evidence required. Policy CS5 of Barnet's Core Strategy (CS) expands on a spectrum of character considerations from townscape characteristics to community inclusion and cohesion.
6. The proposed change of use would reduce by one the number of dwellings potentially available for single-family occupation in Barnet. The Council considers that there is a lack of statistically-based housing need justification for the proposal.
7. However, various HMOs are located in the area around the appeal property, as shown on the Council's HMO database. Furthermore, the rental of eight self-contained units in the building, which has apparently taken place over a number of years, suggests a demand for HMO accommodation. This is within the context of identification of HMOs as a strategically important housing resource in London which provides flexible and relatively affordable accommodation, in the Mayor of London's Housing Supplementary Planning Guidance (2016) (MHG). In the light of the above combination of factors, and

in the absence of substantive evidence to the contrary, I find that the proposal would meet an identified HMO need.

8. From what I saw during my site visit, albeit a snapshot in time, the area has a suburban, residential character. The appeal building blends acceptably into the streetscene which is characterised by semi-detached dwellings of similar appearance.
9. The Council is concerned that the proposal would lead to a harmful change of function and intensification of use of the property. Compared to a single-family home, residents in a HMO are likely to be more independent of each other in their comings and goings, and may well generate a greater turnover of occupancy. However, given the en-suite rooms on the first and second floors, including one room with a large rear dormer, and the ground floor space it is feasible that the building could accommodate between five and six people as a single-family dwelling. The proposed maximum of six HMO residents would be a similar number. Moreover, there is no substantive evidence before me that the rental of eight self-contained units in the building over a number of years has resulted in a track record of noise and disturbance nuisance arising from home delivery or refuse collection, for example.
10. Therefore, compared to the more recent use of the property or a family home, it is unlikely that the proposal would noticeably increase comings and goings to a degree that would significantly change the character of the street. Nor would the external appearance of the building change so as to alter the prevailing suburban residential character of the area.
11. The site is a short walk from Brent Cross shopping centre and bus interchange Hendon Central tube station and Hendon railway station. Therefore, notwithstanding the low PTAL rating, future occupiers of the proposed HMO would have realistic, accessible transport alternatives to the private car. Future occupiers are also likely to provide custom for the above facilities and services, thus contributing, on a modest scale, towards sustaining the area's amenities.
12. As such, the proposal would satisfy the criteria in Policy DM09 of the DMP to support provision of the HMO. In so doing, it would not harm the character of the area and thus in this respect would not conflict with Policies CS1 and CS5 of the CS, Policy DM01 of the DMP and the Barnet Residential Design Guidance Supplementary Planning Document (2016) (RDG) which together seek to ensure that, among other things, development complements local character. In conclusion, the proposal would not harm the housing mix or character of the area. In these respects, it would not conflict with the relevant development plan policies cited above.

Living conditions of neighbouring occupiers

13. The square in front of the appeal property comprises bays for resident permit parking. During my visit on a weekday, albeit a snapshot in time, the bays were mainly empty and Sturgess Avenue had relatively light traffic levels. Furthermore, future occupiers of the proposed HMO would have realistic transport alternatives to the private car, as described above. Therefore, even though the parking bays in the square in front of the appeal building would be more fully occupied during evenings and weekends, the proposal is unlikely to result in significant traffic congestion in the locality.

14. The square around which the host row and neighbouring rows of dwellings are set is spacious and opens out onto Sturgess Avenue. The openness of this part of the streetscape would help to dilute noise within the immediate square. Moreover, for reasons described above, it is anticipated that the volume of comings and goings associated with up to six future HMO residents would not be excessive within the suburban context. Transport alternatives to car use would reduce the risk of vehicular disturbance.
15. The above combination of factors leads me to conclude that the proposal would not harm neighbours' living conditions with regard to congestion, noise and disturbance. As such, it would not conflict with Policies CS1 and CS5 of the CS and Policies DM01, DM02 and DM04 of the DMP which together seek a well-designed, quality environment that safeguards residents' living conditions.

Living conditions of future occupiers

16. The proposed layout would provide two kitchen areas, one on the ground floor and one on the second floor, between a maximum of six residents. Thus, the proposal would provide access to kitchen facilities separate from and not more than one floor distant from the sleeping rooms of the units.
17. The rear garden of the property comprises soft and hard landscaping and provides a usable outdoor amenity space for residents. Two of the ground floor units would have direct access to the garden. The access from the other units would be via the front door and the short pathway down the side of the building. In totality, this layout would provide reasonable access for occupiers of all the units in the proposed HMO to the rear garden space. Beyond the HMO standard requirements, the nearby Sturgess Park 'pocket park' also offers residents further opportunity for outdoor recreation and exercise.
18. The Council has expressed concern that one of the rooms would not meet the minimum floor area requirement of 8.5sq.m¹. However, judging by the proposed layout plan drawing, the rooms would meet this requirement.
19. Consequently, the proposal would meet the relevant practicable HMO housing standards in the SHMO and RDG, compliance with which is sought by the guidance in paragraph 3.5.1 of the MHG. In conclusion, the proposal would not harm the living conditions of future occupiers in respect of internal living space and access to outdoor amenity space. As such, it would not conflict with Policy CS5 of the CS and Policy DM09 of the DMP, which together seek a well-designed environment that safeguards residents' living conditions.

Conditions

20. The conditions suggested by the Council have been considered against the tests of the Framework and advice provided by Planning Practice Guidance. I have found them to be broadly reasonable and necessary in the circumstances of this case. I have made some minor drafting changes to suggested conditions in the interests of precision. A condition relating to cycle parking is necessary in the interests of sustainable transport. A condition covering maximum number of occupants is required to safeguard future occupiers' living conditions.

¹ As per the Council's Standards for Houses in Multiple Occupations (2016) (SHMO).

Conclusion

21. For the reasons given above I conclude that the appeal should be allowed

William Cooper

INSPECTOR